

ATTACHMENT TO INTERVIEW OF MARCH 13, 2008

Attorney requested clarification of the election of species for A on page 5 since the only difference between Invention I and II is the antibiotic. It was noted that on page 5, Part III(A) that "in Invention II" should include "Invention I or II".

In addition, it was noted that the election of species for C, D and E that the "further comprises" additional agents or components if Applicant elects other than "a) not required ..", if the generic claim is found allowable, all of the further comprising components will also be allowed. However, if one of the species is required, the generic claim will be searched based on the components as required by the generic claim as well as the additional required species. The generic claim will be required to contain the additional agent.

There was also a question about the alleged new matter pertaining to the claims as claimed "A gelled culture..." as to whether page 1 as pointed out by Attorney was support for the expression "gelled culture", however, this Examiner indicated that the specification does not specifically recite this expression. Examiner will accept any prior art in the field which indicates that it is well known that agar is employed as a "gelled culture" medium.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HERBERT J. LILLING whose telephone number is 571-272-0918. The examiner can normally be reached on WORK AT HOME MAXIFLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JON WEBER can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit **1657**

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/HERBERT J LILLING/
Primary Examiner, Art Unit 1657

